

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PAONE REALTY ASSOCIATES, LLC,

Plaintiff,

v.

HARTFORD INSURANCE COMPANY OF
THE MIDWEST, INC. and JOHN DOE 1-10
said names being fictitious,

Defendant.

Civil Action No.: 2:17-cv-13276

**NOTICE OF MOTION TO DISMISS
PURSUANT TO FED. R. CIV. P. 12**

TO: David C. Bendush, Esq.
Law Offices of David C. Bendush
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Berkeley Heights, NJ 07922
Attorneys for Plaintiff

COUNSEL:

PLEASE TAKE NOTICE that on Monday, January 15, 2018, the undersigned attorneys for defendant Hartford Insurance Company of the Midwest (“Hartford Midwest”), shall move before the Honorable William J. Martini, U.S.D.J., at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Courtroom 4B, Newark, NJ 07101, for an Order dismissing Count II from the Complaint (Dk. 1, Ex. A), pursuant to Fed. R. Civ. P. 12(b)(6).

PLEASE TAKE FURTHER NOTICE that in support of the motion, Hartford Midwest shall rely upon the memorandum of law filed contemporaneously herewith.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted in accordance with Local Rule 7.1.

Respectfully submitted,

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Hartford Ins. Co. of the Midwest, Inc.

Dated: December 21, 2017